

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Ahmed Ali,

Civil No. 16-2422 (DWF/FLN)

Petitioner,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

Steven Hammer,

Respondent.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Franklin L. Noel dated January 27, 2017. (Doc. No. 16.) No objections have been filed to that Report and Recommendation in the time period permitted. The factual background for the above-entitled matter is clearly and precisely set forth in the Report and Recommendation and is incorporated by reference. In the Report and Recommendation, the Magistrate Judge recommended that Petitioner's Petitions for Writ of Habeas Corpus under U.S.C. § 2254 be denied and that this matter be dismissed with prejudice. (Doc. No. 16 at 4.)

In addition, a § 2254 petitioner cannot appeal an adverse ruling on his petition unless he is granted a Certificate of Appealability ("COA"). 28 U.S.C. § 2253(c)(1). A COA may issue only if the petitioner has made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Here, the Court concludes that Petitioner has not made such a showing.

Therefore, based upon the Report and Recommendation of the Magistrate Judge and upon all of the files, records, and proceedings herein, the Court now makes and enters the following:

ORDER

1. Magistrate Judge Franklin L. Noel's January 27, 2017 Report and Recommendation (Doc. No. [16]) is **ADOPTED**.
2. Plaintiff Ahmed Ali's Petitions under 28 U.S.C. § 2254 for writ of habeas corpus by a person in state custody (Doc. Nos. [1] & [5]) are **DENIED**.
3. Respondent's Motion to Dismiss (Doc. No. [12]) is **GRANTED**.
4. This matter is **DISMISSED WITH PREJUDICE**.
5. No COA is granted in this matter.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: February 22, 2017

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge